

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KYLE CASSLER,)	
)	Civil Action
Plaintiff)	No. 12-cv-05015
)	
vs.)	
)	
CAROLYN W. COLVIN ¹ ,)	
Acting Commissioner of the)	
Social Security Administration)	
)	
Defendant)	
)	
SOCIAL SECURITY ADMINISTRATION)	
)	
Interested Party)	

O R D E R

NOW, this 28th day of August, 2014, upon consideration of the following documents:

- (1) Decision of Administrative Law Judge Kenneth Bryant dated February 8, 2011²;
- (2) Complaint filed October 2, 2012;
- (3) Answer filed March 27, 2013;
- (4) Plaintiff's Brief and Statement of Issues in Support of Request for Review, which brief was filed May 15, 2013;

¹ Carolyn W. Colvin became Acting Commissioner of the Social Security Administration on February 14, 2013. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Carolyn W. Colvin should be substituted as the defendant in this suit for the former Commissioner, Michael J. Astrue, whom she replaced. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g). This Order, among other things, directs the Clerk of Court to amend the docket entries accordingly.

² See Administrative Record at pages 16-28.

- (5) Defendant's Response to Request for Review of Plaintiff, which response was filed June 17, 2013;
- (6) Plaintiff's Reply Brief filed June 29, 2013; and
- (7) Report and Recommendation of United States Magistrate Judge Timothy R. Rice dated May 14, 2014 and filed May 15, 2014;

after a thorough review of the record in this matter; it appearing that neither party filed objections to Magistrate Judge Rice's Report and Recommendation; it further appearing that Magistrate Judge Rice's Report and Recommendation correctly determined the legal and factual issues presented in this case,

IT IS ORDERED that the Report and Recommendation of Magistrate Judge Rice is approved and adopted.

IT IS FURTHER ORDERED that plaintiff's request for review is granted.

IT IS FURTHER ORDERED that judgment is entered in favor of plaintiff Kyle Cassler and against defendant Carolyn W. Colvin, Acting Commissioner of the Social Security Administration.

IT IS FURTHER ORDERED that the decision of the Commissioner dated February 8, 2011 and affirmed by the Appeals Council on July 27, 2012 is reversed.

IT IS FURTHER ORDERED that, pursuant to sentence four of 42 U.S.C. § 405(g), this matter is remanded to the Acting

Commissioner for further review consistent with Magistrate Judge Rice's Report and Recommendation.

IT IS FURTHER ORDERED that, pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, the Clerk of Court shall substitute Carolyn W. Colvin, Acting Commissioner of Social Security, for Michael J. Astrue, Commissioner of Social Security, as the defendant in this matter.

IT IS FURTHER ORDERED that the Clerk of Court shall mark this case closed for statistical purposes.

BY THE COURT:

/s/ JAMES KNOLL GARDNER
James Knoll Gardner
United States District Judge